Orientation for J-1 Scholars

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Mon-Fri: 9-4pm
Today’s Agenda:

• Brief Introduction to OIA
• Maintaining J-1 Status
• Traveling in J-1 Status
• Extending J-1 Status
• Transferring J-1 Status
• J-2 Dependents’ Status
• Two Year Repeat Bar & Two Year Home Residency Requirement
• Questions???
OIA Services:

• Immigration advising & processing for J-1 Scholars, J-2 Dependents, F-1 & J-1 Students, Non-Degree Visiting Students, H-1B Employees, H-4 Dependents, TN Employees
• Orientations and other programming for UChicago’s International populations
• Limited advice on SSNs, Driver’s Licenses, and other daily matters
Overview of J-1 Status:

• OIA sponsors scholars, interns, students and non-degree visiting students in J-1 status
• U.S. regulations for each J-1 category is different
• Several sub-categories of J-1 Scholar:
  • Research Scholar/Professor
  • Short-Term Scholar
  • Specialist
• Biggest difference between these categories is the maximum duration, or allowed length, of the program
  ▪ Short Term Scholar = 6 months
  ▪ Specialist = 1 year
  ▪ Research Scholar/Professor = 5 years
Maintaining Status:

• Failure to maintain your status could jeopardize your J-1 eligibility and require that you stop your activities at UChicago and leave the U.S.

• In order to maintain your status, you must:
  ▪ Continue your affiliation with UChicago
  ▪ Have the appropriate insurance coverage for you and your J-2 dependents
  ▪ Not conduct any unauthorized work during your stay
  ▪ Maintain all of your documents – your DS-2019, passport and I-94 record must remain valid at all times.
Short Term Consultations & Occasional Lectures:

• It may be acceptable to receive payment or reimbursement for an occasional lecture or consultation if it is:
  • Incidental & does not change the primary focus of your visit
  • Directly related to your activities at UChicago
  • Does not delay the completion date of your J-1 program
  • Approved by your faculty sponsor/principle investigator

• Contact OIA **before** activity
• OIA will update your record accordingly and issue letter needed to accept payment/reimbursement
• Always inform OIA if you will work or conduct research at a location other than UChicago
DS-2019 Certificate of Eligibility:

- Allows Exchange Visitor to visit U.S. consulate or embassy abroad and apply for J-1 visa stamp
- Represents proof of legal status to teach or conduct research in the U.S.
- Important Information on DS-2019:
  - SEVIS ID Number
  - Program start and end date/status validity dates
  - Exchange Visitor Category
  - Subject/Field Code
CERTIFICATE OF ELIGIBILITY FOR EXCHANGE VISITOR (J-1) STATUS

PARTICIPATING PROGRAM OFFICE (RESEARCH SCHOLARSHIP): RESEARCH SCHOLAR; SHORT-TERM SCHOLAR; SPECIALIST

Purpose of this form: Begin new program, accompanied by number (8) of immediate family members.

DURING THE PERIOD COVERED BY THIS FORM, THE PERSON NAMED ABOVE HAS BEEN PROVIDED TO THE EXCHANGE VISITOR BY:

U.S. DEPARTMENT OF STATE (DOS) OFFICE OF EDUCATIONAL EXCHANGE PROGRAMS

Preliminary endorsement of CUSOLAR or Immigration Office requiring Section 101(a)(15) of the Immigration and Nationality Act and PL 480, 492 authorized

JUL 02 2006

Michael J. Greer

Vice-Consul
Electronic I-94 Record:

- Confirms the details of your admission to the U.S.
- Retrievable online: https://i94.cbp.dhs.gov/I94/
- The “Admit Until Date” for J-1 is D/S, or Duration of Status. This means you are eligible to remain in the U.S. until your status (reflected on your DS-2019 form) expires
- Your “Class of Admission” should read: J-1
- If your record does not list J-1, D/S, contact OIA
Most Recent I-94

Admission (I-94) Record Number: 222222222
Most Recent Date of Entry: 2015 February 28
Class of Admission: J1
Admit Until Date: D/S
Details provided on the I-94 Information form:

Last/Surname: OIA
First (Given) Name: I-House
Birth Date: 1973 Jan 1
Passport Number: CY3337Y
Country of Issuance: Germany

Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.
Admission Stamp:

- Always check your admission stamp before stepping away from the CBP Officer’s station to ensure your admission was recorded correctly.
- Class: “J-1” (“J-2” for dependents)
- “D/S” means you are eligible to remain in the U.S. as long as your status is valid
J-1 Visa Sticker

Visa expiration date ≠ Status expiration date
Visa vs. Status:

- Your visa may expire, while your status (represented by your DS-2019 form) may not.
- It is perfectly acceptable to have an expired visa while you are inside the U.S. However, a valid J-1 visa sticker is needed for entry to the U.S. in J-1 status.
- Visas can only be obtained outside of the U.S. by applying at a consulate or embassy.
Documents for Travel:

- A valid J-1/J-2 visa sticker in passport
- A valid passport, and
- A DS-2019 with a valid Travel Signature
  - Travel Signatures are available at OIA’s front desk; no appointment necessary
Automatic Visa Revalidation:

• If you take a brief (less than 30 days) trip to Canada, Mexico or the adjacent Caribbean Islands (with the exception of Cuba), you may be eligible to re-enter the U.S. with an expired visa.
• Only for visits to these geographical areas
• This benefit is not extended to exchange visitors from Syria, Sudan, Iran, Cuba, or North Korea
Complete OIA’s Travel Re-Entry Form

Travel Re-Entry Form

This form and a copy of your recent admission stamp should be submitted to OIA whenever you or your dependents return from traveling outside of the U.S. Your adviser will verify the status in which you were admitted to the U.S. and your status end date. We will contact you if there are any issues with the documents. If you received a new visa stamp while you were abroad, please include a copy of it.

First Name: *

Middle Name:

Last (Family) Name: *

Gender:

Date of Birth: *
Extension of Status:

- It is possible to extend your program within the maximum duration if the extension is **initiated by your Department prior to the expiration of your DS-2019 form**
- To be eligible for an extension:
  - You must be in valid J-1 status
  - You must have time remaining in J-1 status
  - Your appointment with the University must also be extended
  - You must have appropriate and sufficient financial support to fund the extension for you and any dependents
Extension of Status:

• OIA will extend your J-1 status and process a new, extended DS-2019 form on your behalf once an authorized request is received by your department
• You do not need leave the U.S. for an extension of status
• You do not need to pay the SEVIS fee again
• Your dependents’ status will be extended along with yours
It is possible to transfer to another department or institution as long as:

- your field of research/teaching remains the same
- you have time remaining in J-1 status
- there will not be a gap between your appointment with UChicago and the institution to which you are transferring

It is important to contact OIA well in advance of a transfer so we can coordinate transfer of your SEVIS record with new institution.

You must be in the U.S. at the time of your transfer, plan travel accordingly.
J-2 Dependents:

- Spouses and children under the age of 21 are eligible for J-2 dependent status.
- DS-2019 forms for J-2 dependents can be issued with scholar’s initial DS-2019 or can be added to record at a later time by completing OIA’s “Request to Add Dependent”.
- J-2s must maintain status, including proper health insurance coverage.
- J-2 dependents may study and are eligible to apply for EAD (Employment Authorization Document). Once EAD is obtained, J-2s may work and receive payment unrestricted.
Two Year Repeat Participation Bar:

• Individuals in the J-1 and J-2 Research Scholars and Professor categories are subject to a two year bar from participating in another J-1 Research Scholar or Professor program

• You may not participate in another J-1 Research Scholar or Professor program until two years have passed since the end date of your last J-1 or J-2 Research Scholar or Professor program
Two Year Repeat Participation Bar:

- Rule does not apply to the Short-Term Scholar category
- Individuals in the Specialist category must wait 1 year before they are eligible to participate in a Research Scholar or Professor program
- Exception for Exchange Visitors who were physically present in the U.S. for less than 6 month
- **Does not** impact ability to apply for H-1B, L, K, F, J-1 Short Term, or Legal Permanent Residency
Two Year Home Residency Requirement:

- Anyone in J-1 status could be subject to the 212 (e)/2 Year Home Residency Requirement
- Most common reasons:
  - Last Country of Legal Permanent Residency is on the skills list
  - Government funding – U.S. Government funding (Fulbright) or funding from your home country
- 212 (e) should be indicated on visa and on DS-2019 form
- If subject:
  - cannot change status to H, K, L, Permanent resident UNTIL this requirement is fulfilled or a waiver is obtained
  - cannot apply for change of status within the U.S.
Are You Subject to 212(e)?
Two Year Home Residency Requirement:

• To fulfill the requirement:
  ▪ Spend 2 years (24 months) in country of legal permanent residency (as indicated on DS-2019 form)
    • Does not need to be consecutive; can “add up” time
    • Clock starts once J-1 program ends
• Apply for a waiver (OIA cannot assist with this process)
  ▪ Grounds for waiver:
    • No Objection statement from your home country
      ▪ Not an option if received U.S. Gov’t funding
    • Exceptional Hardship, Persecution, Interested Gov’t Agency, Underserved Area: extremely difficult, usually requires assistance of an attorney
Two Year Home Residency Requirement:

- Timing a waiver is important:
  - Once a waiver is granted, J-1 program cannot be extended
  - Extend J-1 program to max allowed before applying for a waiver when possible
  - Cannot travel while waiver is pending
    - may consider travel as abandoned petition
    - become subject again if apply for a new visa sticker
- More information on the waiver process can be found on the [Department of State’s website](http://www.state.gov)
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<tr>
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<th>2-year home residency</th>
<th>2-year repeat bar</th>
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<tbody>
<tr>
<td>Short-Term Scholar:</td>
<td>Possible</td>
<td>No</td>
</tr>
<tr>
<td>Specialist:</td>
<td>Possible</td>
<td>No</td>
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<tr>
<td>Research Scholar:</td>
<td>Possible</td>
<td>Yes</td>
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<tr>
<td>Professor:</td>
<td>Possible</td>
<td>Yes</td>
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<tr>
<td>Waiver Possible:</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Indicated on DS-2019 or Visa:</td>
<td>Yes</td>
<td>No</td>
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**Impact on H-1B Eligibility**

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